

Remarks

Applicant has amended the claims to emphasize certain aspects of the invention to distinguish the invention from the prior art. Specifically, Claim 31 is directed to an improved applicator. In this applicator the reservoir has a sidewall with an inner surface and an outer surface and the thickness of said side wall remains constant from the location where the inner surface of the sidewall contacts the inner surface of the tip to the location where the inner surface of the sidewall contacts the driving member. In addition all the claims of the present invention provide that a user can view the color of the product in the reservoir. Claim 32 provides that the driving member has a product contact surface that contacts the inner surface of the tip to remove as much product as possible from the applicator.

Claim 43 is directed to an improved lip product applicator where the driving member has a product contact surface that is generally parallel to the inner surface of the tip. In Claim 44 the outer surface of the tip is slightly concave to permit lip product to be retained on the face when it is discharged from the reservoir. Claim 45 is for a lip product applicator where the tip has an outer surface that has a teardrop shaped surface for applying lip product to the user's lips.

Claim 46 is for a lip product applicator where the driving member has a flat product contact surface across its entire surface. Claim 47 has been added to cover an applicator where the driving member is a flat disk having a top surface and a bottom surface. The top surface and said bottom surface are generally parallel to each other over their entire surface. Claim 48 is directed to a lip product applicator where the driving member also has a top surface and a bottom surface. The top surface is angled with respect to said bottom surface.

A check in the amount of \$800 is enclosed to cover the additional claim fees.

Applicant wishes to bring to the attention of the Examiner the enclosed submissions that were filed against Applicant's corresponding application in Japan. Applicant's claims are patentable over the art cited in that application as none of the references has the combination of unobvious features claimed in the present application.

The applicant has amended the specification, in particular the applicant has removed "has a means" from the abstract and has replaced it with "is designed so as to allow". Applicant has also amended the claims to add references to certain of the figures. No new matter has been added.

CONCLUSION

For the foregoing reasons, applicant's claims are patentable over the cited prior art and the application should be in condition for allowance.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that the foregoing Response was mailed by first class mail,
postage prepaid, in an envelope addressed to the Commissioner for Patents
P.O. Box 1450 Alexandria, VA 22313-1450 on this 17th day of, April, 2006.



Thomas A. O'Rourke